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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,129	05/19/2006	Andreas Stark	026032-5027	9376

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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,129	Applicant(s) STARK ET AL.	
	Examiner PATRICIA L. ENGLE	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-18 and 20-40 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 29-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolsworth et al (US Patent No. 5,588,707).

Regarding claim 29, Bolsworth discloses a vehicle seat for use in a vehicle having an interior with vehicle floor, comprising: a backrest (18); a seat part (16) selectively coupled to the vehicle floor and configured to abut an end of the backrest in a use position; wherein the backrest (18) is configured to recline with respect to the seat part in a rearward direction, away from the seat part, and wherein the backrest is further configured to rotate in a frontward direction, toward the seat part (Fig. 5); a transmission link (56) coupled to the seat part and backrest; and a hinge mechanism (54) coupled to the seat part (16) and transmission link (56), configured to enable the seat part (16) to at least partially pivot about the hinge mechanism (54); wherein the hinge mechanism (54) is coupled to a pinion gear (40) engageable with the transmission link (56) in a manner to pivot the seat back in response to the seat part pivoting about the hinge mechanism; wherein the seat part defines a recess (at 26); wherein the vehicle floor (10) includes a protrusion (12) configured to selectively juxtapose the recess of the seat part.

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Regarding claim 30, Bolsworth discloses the vehicle seat of Claim 29, wherein the seat part (16) is configured to pivot in the frontward direction into a not-in-use position, coplanar with the use position (Fig. 5).

Regarding claim 31, Bolsworth discloses the vehicle seat of Claim 30, wherein the seat part comprises a hard part (16) to which the hinge mechanism is coupled, and wherein the seat part further comprises a soft pad (above 16) coupled to the hard part.

Regarding claim 32, Bolsworth discloses the vehicle seat of Claim 31, wherein the protrusion (12) is configured to juxtapose the recess (at 26) when the seat part (16) is positioned in the not-in-use position.

Regarding claim 33, Bolsworth discloses the vehicle seat of Claim 29, wherein the transmission link (56) is configured to pivot the backrest (12) in the frontward direction as the seat part pivots in the frontward direction.

Regarding claim 34, Bolsworth discloses the vehicle seat of Claim 33, wherein the transmission link (56) is configured to pivot the backrest in the rearward direction as the seat part (16) pivots in the rearward direction.

Regarding claims 35-40, Bolsworth discloses that the transmission link (56) is coupled to a pinion gear (40).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 15-18 and 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolsworth et al (US Patent No. 5,588,707) in view of Burchi (US Patent No. 5,542,747).

Regarding claim 15, Bolsworth discloses a vehicle seat for a motor vehicle, comprising: an upholstery part (16); wherein the upholstery part is designed as a seat part; wherein upholstery part includes a first surface partially shaped congruently to a vehicle floor (10); wherein the seat part can be configured in a use position (Fig. 3) and wherein the seat part is configured to fit with the vehicle floor when in the use position; wherein the seat part can be configured in a not-in-use position (Fig. 5); and a hinge mechanism (56) configured to release the seat part from the vehicle floor and shift the seat part into the not-in-use position.

Bolsworth does not specify the material of the upholstery part.

Burchi discloses a vehicle seat made of hard foam part (104) and a soft foam part (108).

Bolsworth and Burchi are analogous art because they are from the same field of endeavor, i.e., vehicle seats.

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At the time of the invention, it would have been obvious to one of ordinary skill in the art to use a hard foam part and a soft foam pad since they are known materials for vehicle seats.

Therefore, it would have been obvious to combine Burchi with Bolsworth to obtain the invention as specified in claim 15.

Regarding claim 16, Burchi does not disclose that the hard foam part is expanded polypropylene. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use expanded polypropylene, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. See also Ballas Liquidating Co. v. Allied industries of Kansas, Inc. (DC Kans) 205 USPQ 331.

Regarding claim 17, Bolsworth further discloses the vehicle floor includes a second surface which extends vertically (Fig. 5) and essentially transversely with respect to a direction of travel; and wherein the first surface of the hard foam part extends approximately parallel to the second surface.

Regarding claim 18, Bolsworth further discloses the second surface of the vehicle floor comprises an arch (12), the arch running approximately horizontal and transverse with respect to the direction of travel; and wherein the first surface (16) of the hard foam part includes a first recess (Fig. 3), which runs approximately parallel to the arch.

Regarding claim 20, Bolsworth further discloses the hinge mechanism includes a first hinge arm (34) connected at one end (42) in an articulated manner to the vehicle floor (12) and connected at another end (32) in an articulated manner to the hard foam part (16) in such a

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manner that the seat part may move out of the use position into the not-in-use position, approximately parallel to the seat part in the use position.

Regarding claim 21, Bolsworth further discloses the vehicle the hinge mechanism includes a first hinge (35) pivotable about a first axis (35) and a second hinge (40) pivotable about a second axis (40), the first hinge (35) coupled to the hard foam part (16) and the second hinge (40) coupled to the vehicle floor (12).

Regarding claim 22, Bolsworth further discloses the vehicle the first hinge (35) is further configured to latch to the hard foam part during installation of the seat part in a vehicle.

Regarding claim 23, Bolsworth further discloses the vehicle the hard foam part is configured to pivot downward so that the seat part is positionable at an incline (Fig. 3).

Regarding claim 24, Bolsworth further discloses the vehicle the first surface of the hard foam part includes a first recess (Fig. 3 - by 26), which runs approximately parallel to the arch and wherein the first recess may be inclined at an angle between 25° to 35° with respect to a horizontal axis.

Regarding claim 25, Bolsworth further discloses the vehicle seat part is operatively connected to a pivotably mounted backrest (18) of the vehicle seat in such a manner that, when the backrest (18) is folded forward from the use position into the not-in-use position, the seat part (16) also shifts from the use position into the not-in-use position.

Regarding claim 26, Bolsworth further discloses the vehicle backrest (18) is connected rotatably to a transmission linkage (56) offset with respect to a pivot axis (62) of the backrest (18), wherein the backrest (18) is connected to the transmission link (56) by means of a second hinge arm (50).

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Regarding claim 27, Bolsworth further discloses the transmission linkage includes, at an end coupled to the hinge arm, a rack-like (46) toothing suitable, in conjunction with a circular mating toothing (44) formed on the hinge arm, for producing a torque about any one of the first hinge and second hinge.

Regarding claim 28, Bolsworth further discloses the mating toothing (46) is coupled to the second hinge (40) which is also coupled to the vehicle floor (12).

Allowable Subject Matter

6. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICIA L. ENGLE whose telephone number is (571) 272-6660. The examiner can normally be reached on Monday - Friday from 7:30am- 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patricia L Engle/
Primary Examiner, Art Unit 3612